

friends of Master Sergeant Riege in mourning the death of their son, father, fiancé, friend, and fellow soldier. Nebraska is honored to call him one of our own, and I know both Nebraskans and Nevadans will surround his family during this very difficult time. As we honor this hero, may his children—Serrah, Erica, Synde, and Michael—always know the bravery with which their father served and the love he had for them.

May God bless the Riege family and all of our service men and women, both here and abroad.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RACIAL PROFILING

Mr. CARDIN. Mr. President, last week I introduced legislation in the Senate that would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. The End Racial Profiling Act, S. 1670, had been introduced in previous Congresses by our former colleague, Senator Russ Feingold of Wisconsin, and I am proud to follow his leadership. I thank my colleagues, Senator BLUMENTHAL, Senator DURBIN, Senator GILLIBRAND, Senator KERRY, Senator LAUTENBERG, Senator LEVIN, Senator MENENDEZ, Senator MIKULSKI, and Senator STABENOW, for joining me as original cosponsors of this legislation.

Racial profiling is ineffective. The more resources that are spent investigating individuals solely because of their race or religion, the fewer resources that are being directed at suspects actually demonstrating illegal behavior.

In response to a question about the December 2001 bomb attempt by Richard Reid, Former Department of Homeland Security Secretary Michael Chertoff stated:

The problem is that the profile many people think they have of what a terrorist is doesn't fit the reality . . . and, in fact, one of the things that the enemy does is to deliberately recruit people who are Western in background or in appearance, so that they can slip by people who might be stereotyping.

Racial profiling diverts scarce resources from real law enforcement. In my own State of Maryland in the 1990s, the ACLU brought a class action suit against the Maryland State Police for illegally targeting African-American motorists for stops and searches along Maryland's highways. The parties ultimately entered into a Federal court consent decree in 2003 in which they made a joint statement that emphasized in part:

The need to treat motorists of all races with respect, dignity, and fairness under law is fundamental to good police work and a just society. The parties agree that racial profiling is unlawful and undermines public safety by alienating communities.

Racial profiling demonizes entire communities and perpetuates negative stereotypes based on an individual's race, ethnicity, or religion.

I agree with Attorney General Holder's remark to the American-Arab Anti-Discrimination Committee where he stated:

In this Nation, security and liberty are—at their best—partners, not enemies, in ensuring safety and opportunity for all . . . In this Nation, the document that sets forth the supreme law of the land—the Constitution—is meant to empower, not exclude . . . Racial profiling is wrong. It can leave a lasting scar on communities and individuals. And it is, quite simply, bad policing—whatever city, whatever state.

Using racial profiling makes it less likely that certain affected communities will voluntarily cooperate with law enforcement and community policing efforts. Minorities living and working in these communities may also feel discouraged from traveling freely, and it corrodes the public trust in government.

I wish to thank the Leadership Conference on Civil and Human Rights for their endorsement of this legislation. I ask unanimous consent that the endorsement letter of September 14, 2011, from over 50 different organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEADERSHIP CONFERENCE  
ON CIVIL AND HUMAN RIGHTS,  
Washington, DC, Sept. 14, 2011  
COSPONSOR THE END RACIAL PROFILING ACT  
OF 2011

DEAR SENATOR: on behalf of The Leadership Conference on Civil and Human Rights, and the undersigned groups, we urge you to be an original cosponsor of the End Racial Profiling Act of 2011 (ERPA). Passage of this bill is needed to put an end to racial profiling by law enforcement officials and to ensure that individuals are not prejudicially stopped, investigated, arrested, or detained based on their race, ethnicity, national origin, or religion. Policies primarily designed to impact certain groups are ineffective and often result in the destruction of civil liberties for everyone.

ERPA would establish a prohibition on racial profiling, enforceable by declaratory or injunctive relief. The legislation would mandate training for federal law enforcement officials on racial profiling issues. As a condition of receiving federal funding, state, local, and Indian tribal law enforcement agencies would be required to collect data on both routine and spontaneous investigatory activities. The Department of Justice would be authorized to provide grants to state and local law enforcement agencies for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Lastly, this important legislation would require the Attorney General to issue periodic reports to Congress assessing the nature of any ongoing racial profiling.

Racial profiling involves the unwarranted screening of certain groups of people, as-

sumed by the police and other law enforcement agents to be predisposed to criminal behavior. Multiple studies have proven that racial profiling results in the misallocation of law enforcement resources and therefore a failure to identify actual crimes that are planned and committed. By relying on stereotypes rather than proven investigative procedures, the lives of innocent people are needlessly harmed by law enforcement agencies and officials.

Racial profiling results in a loss of trust and confidence in local, state, and federal law enforcement. Although most individuals are taught from an early age that the role of law enforcement is to fairly defend and guard communities from people who want to cause harm to others, this fundamental message is often contradicted when these same defenders are seen as unnecessarily and unjustifiably harassing innocent citizens. Criminal investigations are flawed and hindered because people and communities impacted by these stereotypes are less likely to cooperate with law enforcement agencies they have grown to mistrust. We can begin to reestablish trust in law enforcement if we act now.

Current federal law enforcement guidance and state laws provide incomplete solutions to the pervasive nationwide problem of racial profiling.

Your support for the End Racial Profiling Act of 2011 is critical to its passage. We urge you to become an original co-sponsor of this vital legislation, which will ensure that federal, state, and local law enforcement agencies are prohibited from impermissibly considering race, ethnicity, national origin, or religion in carrying out law enforcement activities. To become an original co-sponsor, please contact Bill Van Horne in Senator Cardin's office at [bill\\_vanhorne@cardin.senate.gov](mailto:bill_vanhorne@cardin.senate.gov) or (202) 224-4524. If you have any questions, please feel free to contact Lexer Quamie at (202) 466-3648 or Nancy Zirkin at (202) 263-2880. Thank you for your valued consideration of this critical legislation.

Sincerely,

Adhikaar; African American Ministers in Action; American-Arab Anti-Discrimination Committee; American Civil Liberties Union; American Humanist Association; Asian American Justice Center, member of Asian American Center for Advancing Justice; Asian Law Caucus; Asian Pacific American Labor Alliance; Bill of Rights Defense Committee; The Brennan Center for Justice; Counselors Helping (South) Asians Inc; Disciples Justice Action Network; Drug Policy Alliance.

DRUM—Desis Rising Up and Moving; Healing Communities Prison Ministry and Re-entry Project Human Rights Watch; Indo-American Center; Institute Justice Team, Sisters of Mercy of the Americas; Japanese American Citizens League; Korean American Resource & Cultural Center; Korean Resource Center; Lawyers' Committee for Civil Rights Under Law; The Leadership Conference on Civil and Human Rights; Lutheran Immigration and Refugee Service; Muslim Advocates; Muslim Public Affairs Council; NAACP; NAACP Legal Defense and Educational Fund, Inc.

National Advocacy Center of the Sisters of the Good Shepherd; National African American Drug Policy Coalition, Inc.—National Alliance of Faith and Justice; National Asian American Pacific Islander Mental Health Association; National Asian Pacific American Bar Association; National Asian Pacific American Women's Forum; National Association of Criminal Defense Lawyers; National Association of Social Workers; National Black Police Association; National Congress of American Indians; National

Council of La Raza; National Gay and Lesbian Task Force Action Fund; National Korean American Service & Education Consortium; NETWORK, A National Catholic Social Justice Lobby.

OCA; Pax Christi USA; Rights Working Group; Sahara of South Florida, Inc.; Sentencing Project; Sojourners; Sikh American Legal Defense and Education Fund; Sikh Coalition; Sneha, Inc.; South Asian Americans Leading Together; StoptheDrugWar.org; Union for Reform Judaism; United Methodist Church, General Board of Church and Society; UNITED SIKHS; US Human Rights Network.

Mr. CARDIN. The bill I introduced last week, the End Racial Profiling Act, would build on the Department of Justice's current "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies" issued in 2003. This official Department of Justice guidance certainly was a step forward, but it does not have adequate provisions for data collection and enforcement for State and local agencies. The Department of Justice guidance also does not have the force of law.

The legislation I introduced would prohibit the use of racial profiling by Federal, State, or local law enforcement agencies. This bill clearly defines racial profiling to include race, ethnicity, national origin, or religion as protected classes. It requires training of law enforcement officers to ensure they understand the law and its prohibitions. It creates procedures for receiving, investigating, and resolving complaints about racial profiling. It would apply equally to Federal, State, and local law enforcement, which creates consistent standards at all levels of government.

The vast majority of our law enforcement officers who put their lives on the line every day handle their jobs with professionalism, diligence, and fidelity to the rule of law. However, Congress and the Justice Department can still take steps to prohibit racial profiling and root out its use. I look forward to working with my colleagues to enact this very important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

### THE ECONOMY

Mr. HELLER. Mr. President, I rise today to address the economy as it affects my home State of Nevada.

This recession has hit my home State of Nevada harder than it has hit any other State in the country. My State has the unfortunate distinction of leading the Nation in unemployment, foreclosure, and bankruptcy.

As we discuss yet another stimulus this week, I hear from my friends on the other side of the aisle their claim that their priorities are jobs, jobs, jobs. I have one question about their economic policies: Is this working?

In January 2009 President Obama was inaugurated as President of the United States. Democrats controlled both Houses—both the House and the Sen-

ate—and Nevada's unemployment rate at that time was 9.4 percent. The next month the stimulus was passed. Supporters claimed the national unemployment level would not rise above 8 percent if we passed the stimulus bill. Nevada's unemployment at that time then grew from 9.4 percent to 10.1 percent.

In June of 2009 Congress passed the Cash for Clunkers legislation and Nevada's unemployment then grew at that point from 10.1 percent to 12 percent. With the success of Cash for Clunkers, we passed Cash for Clunkers II the following August, and Nevada's unemployment rose from 12 percent to 13.2 percent.

Then in March of 2010, Congress passed the President's health care law. Nevada's unemployment rose again, from 13.2 percent to 13.4 percent.

In July of that year, Congress then passed the Dodd-Frank reform of the financial services industry legislation that effectively limited access to capital, both for individuals and small businesses, and Nevada's unemployment rate went from 13.4 percent to 14.3 percent. In fact, if we go back to May of 2010, Nevada overtook Michigan as the State with the highest unemployment rate at 14 percent. With the passage of Dodd-Frank, it then rose again to 14.3 percent.

Then we passed the State bailout in August of 2010, and then stimulus No. 2, and Nevada's unemployment rate rose again to 14.4 percent. So with the unemployment rate at 14.4 percent and due to the lack of economic activity, some people in Nevada have stopped looking for work or, worse, some Nevadans have actually left the State for employment elsewhere. This has resulted in Nevada's unemployment dipping from 14.4 percent to 13.4 percent.

I guess I raise the question for the second time: Have these economic policies worked?

There is a local paper that had a readers' poll and the question of this readers' poll was: Is Nevada's economy recovering? Of those who responded, 82 percent said no. So regardless of what Washington, DC, is trying to tell them, 82 percent of Nevadans understand that the economic recovery has not yet occurred in the State of Nevada.

One of my constituents recently wrote:

I am writing you today because I am outraged over the stimulus proposal that President Obama is trying to intimidate you into passing. Despite the evidence that the first two stimulus plans have failed, despite the promises that there were shovel ready jobs, despite the other false promises that the first trillion would upgrade our infrastructure and keep unemployment under 8 percent, despite the overwhelming evidence that nearly a TRILLION dollars of taxpayers' dollars were completely wasted in the first stimulus, this President had the audacity to demand that you immediately pass another half a trillion dollars' worth of stimulus. Don't do it!

So it is that the approach of this administration and its supporters have

taken for economic recovery has failed miserably. Another stimulus bill is not the solution.

We now have a string of economic policies that are big on talking points, light on solutions. People from all over the country are struggling just to get by and are desperate for real solutions. It is time for new ideas and a new direction, not more of the same. Out-of-control spending, a health care law that no one can afford, and a seemingly endless stream of regulations are crippling employers, stifling economic growth, and killing jobs. The American public and businesses alike are awaiting a plan that can provide the stability and certainty necessary to provide confidence to the American people and bolster economic growth.

I hear some of my friends on the other side of the aisle claim there are no ideas for job creation coming from Republicans. Since coming to the Senate, I have repeatedly filed job-related amendments when given the opportunity but have yet to see an open debate on any of these amendments. So if it is true there are no ideas coming from Republicans, then there is nothing to fear from an honest, real debate on jobs. Instead of symbolic votes and political grandstanding, let's actually do the difficult work and address this problem.

As I suggested to President Obama, Nevada needs a proposal that reforms the Tax Code, stops excessive government spending, and provides the certainty businesses need to hire. Instead, the administration and the Senate majority have recycled the same failed policies, but this time they increase taxes on the same businesses we need to create jobs.

There are a number of actions Congress can take immediately to bolster our Nation's economy such as opening our country to energy exploration, streamlining the permitting process for responsible development of our domestic resources, and reforming our Tax Code, making it simpler for individuals and businesses alike, and cutting out the special-interest loopholes while reducing the overall tax burden for all Americans. Instead of looking for new ways to tax the American public and our job creators, we should make our Tax Code more competitive and provide businesses the stability they need to grow and create jobs.

As I have stated before, this continual threat of tax increases feeds the uncertainty that serves as an impediment to economic growth. These are all things that both this administration and Congress can do immediately to boost economic recovery.

I came to Washington to make a difference. Let's start doing the hard work we were sent here to do.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.